



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MATERIEL COMMAND
WRIGHT-PATTERSON AIR FORCE BASE, OHIO

BB 22.94

MEMORANDUM FOR SEE DISTRIBUTION

13 JUL 1994

FROM: HQ AFMC/PKP
4375 Chidlaw Road, Suite 6
Wright-Patterson AFB OH 45433-5006

SUBJECT: Release of Source Selection Information After Contract
Award and Protest

1. Recently, we have had two instances where an unsuccessful offeror protested after contract award, and it appeared that there was a reasonable basis for the protest. In both cases, we reopened discussions after obtaining approval to release a second Best and Final Offer (BAFO) request. In one instance, SAF/AQC returned the second BAFO request stating that it was unnecessary, since this was a "corrective action" required as a result of the GAO position.

2. In both instances, information on the successful offeror was provided to the unsuccessful offerors in accordance with the new, more open debriefing policy. This resulted in the successful offeror not having the extent of information that the unsuccessful offerors had. After discussions were reopened, the successful offeror was at a competitive disadvantage, since the winning offeror's information was known by the other offerors.

3. We discussed this concern with the field and headquarters legal advisors. Instructions were then issued to the buying activity to provide information on offerors' color/adjectival ratings, proposal and performance risk ratings, and bottom-line cost information to each offeror without identifying them by name. The letter directing this is attached for your information and contains direction which was agreed to by SAF/AQC and SAF/GCQ.

4. This information is being provided to all centers in the event a similar situation should arise. If this occurs, contact HQ AFMC/PKP for advice and assistance to preclude any actions which may result in an "uneven playing field" for all offerors within the competitive range at the time discussions are reopened.

Atch 94-18B (FAR 15) Post to FAR 15.611(c); AFMC FAR Sup 5315.611(c)(i)(B); AFFARS App AA, para. AA-312.d.; AFMC FAR Sup App AA, para 3-12b(3); AFFARS App BB, para 32.d.; and AFMC FAR Sup App BB, para. 32.d by circling the references and noting in the margins: "See 70-41, atch 94-18B." Then file this attachment behind the sups to FAR 15.

5. My staff and I are available to assist you as necessary. Action officer for this effort is Ms. Kathleen A. Regan, HQ AFMC/PKP, DSN 787-6057, or Commercial (513) 257-6057.

A handwritten signature in black ink, appearing to read 'E. C. Martin', with a stylized flourish at the end.

EDWARD C. MARTIN
Deputy Chief, Contracting Policy and
Processes Division
Directorate of Contracting

Attachment:
HQ AFMC/PKP letter 19 May 94



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS AIR FORCE MATERIEL COMMAND
WRIGHT-PATTERSON AIR FORCE BASE, OHIO

MEMORANDUM FOR OO-ALC/PK

19 MAY 1994

FROM: HQ AFMC/PKP
4375 Chidlaw Road, Suite 6
Wright-Patterson AFB OH 45433-5006

SUBJECT: Release of Information to AAI Corporation (Reference:
AAI Request, 6 May 94) - INFORMATION MEMORANDUM

1. As we discussed in our telephone conversation of 18 May 94, we concur that you may authorize the E-8C Joint STARS radar system Prime Mission Training Set contracting officer to release an abstract ("debriefing summary") to all offerors within the competitive range. The abstract should reveal each offeror's color ratings, risk assessments, and total contract price including specific contract line item prices, to the same level of detail released during previous debriefing sessions with the unsuccessful offerors regarding the successful offeror. This abstract should not, however, identify the specific offerors to which the information relates. Both SAF/AQCS and SAF/GCQ have also agreed with this approach, so that any continuing source selection activity for this acquisition results in a "level playing field."

2. Regarding AAI's additional requests to release the redacted portion of the Source Selection Decision Document (SSDD) and a copy of the local protest submitted by HFSI, we offer the following advice:

a. Since the SSDD is normally releasable under the provisions of the Freedom of Information Act, it should be written so that it does not include source selection information or proprietary information. We understand that a redacted version of the SSDD was previously released to the successful and unsuccessful offerors. If the information redacted from the SSDD is not source selection information nor proprietary information as defined in FAR 3.104, we do not object to release of an unredacted version to AAI. However, you must also provide the same version of the SSDD to all other offerors within the competitive range.

b. It is also permissible to release a properly redacted version of the local protest to AAI. However, if the protest is marked as proprietary or includes source selection information, then the released version must completely redact any such information.

3. Direct any further questions to Ms. Kathleen A. Regan, HQ AFMC/PKP,
DSN 787-6057.

SIGNED

EDWARD C. MARTIN
Deputy Chief, Contracting Policy
and Processes Division
Directorate of Contracting

cc:
SAF/AQCS (Maj Scalise)
SAF/GCQ
HQ AFMC/JAS (Mr. Blutcher)